



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

August 23, 2016

System No. 3210011

Certified Mail/Return Receipt
No. 7012 3460 0003 1112 8281

Plumas Eureka Community Services District
200 Lundy Lane
Blairsden, CA 96103

Attn: John Rowden, Interim General Manager

TRANSMITTAL OF COMPLIANCE ORDER NO. 01-02-16R-002

The State Water Resources Control Board Division of Drinking Water has issued the Plumas Eureka Community Services District a compliance order, which is attached.

If you have any questions regarding this matter, please call Stephen Rooklidge at (530) 224-2413 or me at (530) 224-4800.

A handwritten signature in black ink, reading "Michael J. McNamara".

Michael J. McNamara, P.E.
Lassen District Engineer
Drinking Water Field Operations Branch

cc: Bruce Burton, Assistant Deputy Director, Northern California Drinking Water Field Operations
Richard L. Hinrichs, Chief, Northern California Section

Enclosure: Compliance Order No. 01-02-16R-002

SJR \ 3210011 Plumas Eureka CSD \ File: Enforcement

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

364 Knollcrest Drive, Suite 101, Redding, CA 96002 | www.waterboards.ca.gov

1 **STATE OF CALIFORNIA**
2 **STATE WATER RESOURCES CONTROL BOARD**
3 **DIVISION OF DRINKING WATER**
4

5 **TO:** Plumas Eureka Community Services District
6 200 Lundy Lane
7 Blairsden, CA 96103
8

9 **Attn:** John Rowden, Interim General Manager
10

11 **COMPLIANCE ORDER NO. 01-02-16R-002,**
12 **FOR**
13 **VIOLATION OF CALIFORNIA CODE OF REGULATIONS,**
14 **TITLE 22, SECTION 64652 – WATER SYSTEM NO. 3210011**
15

16 **Issued on August 23, 2016**
17

18 The State Water Resources Control Board (hereinafter "Board"), acting by and
19 through its Division of Drinking Water (hereinafter "Division) and the Deputy Director
20 for the Division, hereby issues this compliance order (hereinafter "Order") pursuant to
21 Section 116655 of the California Health and Safety Code (hereinafter "CHSC"), to
22 Plumas Eureka Community Services District (hereinafter "District") for violation of
23 CHSC Section 116555(a)(1) & (a)(3) and Title 22, California Code of Regulations
24 (hereinafter "CCR), Section 64652.
25



APPLICABLE AUTHORITIES

CHSC, Section 116655 states in relevant part:

(a) Whenever the department determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:

(1) Directing compliance forthwith.

(2) Directing compliance in accordance with a time schedule set by the department.

(3) Directing that appropriate preventative action be taken in the case of a threatened violation.

(b) An order issued pursuant to this section may include, but shall not be limited to, any or all the following requirements:

(1) That the existing plant, works, or system be repaired, altered, or added to.

(2) That purification or treatment works be installed.

(3) That the source of the water supply be changed.

(4) That no additional service connection be made to the system.

(5) That the water supply, the plant, or the system be monitored.

(6) That a report on the condition and operation of the plant, works, system, or water supply be submitted to the department.



1 **CHSC, Section 116555(a)(1) & (3) states in relevant part:**

2 (a) Any person who owns a public water system shall ensure that the system
3 does all of the following:

4 (1) Complies with primary and secondary drinking water standards.

5 (3) Provides a reliable and adequate supply of pure, wholesome, healthful, and
6 potable water.

7
8 **CCR, Title 22, Section 64431 states in relevant part:**

9 (a) Public water systems shall comply with the primary MCLs
10 in Table 64431-A as specified in this article.

11
12 Table 64431-A

13 Maximum Contaminant Levels

14 Inorganic Chemicals

15 Chemical	MCL, mg/L
16 Arsenic	0.010

17
18 **FINDINGS OF FACT**

19 The Plumas Eureka Community Services District serves domestic water to an
20 unincorporated community known as Plumas-Eureka Estates and Eureka Springs
21 Subdivision, which consists primarily of summer residential homes, rental properties,
22 and a small number of commercial establishments. Located approximately two miles
23 north of Graeagle, California, off of County Road A-14 in Plumas County, the water
24 system serves a year-round residential population of approximately 325 persons
25 through 546 service connections. As such, the District's water system is classified as

1 a community water system. The source of supply for the water system includes two
2 groundwater wells, known as Well 01B and Well 02. The wells are typically operated
3 on an alternating lead-lag cycle and both wells are typically needed to meet increased
4 customer demands between May and November. The District operates the water
5 system under domestic water supply permit number 01-02-94(P)32001 issued on
6 June 16, 1994. As more fully set forth below, the Division is informed and believes
7 that the District is in violation of the primary standard for arsenic.

8
9 In 2012, the District submitted a pre-application to the Drinking Water State Revolving
10 Fund (DWSRF) program to fund a project which would allow the District to construct
11 an arsenic treatment facility. This project was ranked in Category G and was
12 therefore invited to submit a construction application for the project. Since the
13 preliminary engineering for the project had not been completed, the District requested
14 a bypass for the 2012-2013 funding cycle. On December 12, 2013, the Division
15 received a Statement of Interest from the District requesting the project be inactivated
16 on the State Revolving Fund Project Priority List for 2013-2014. The District initially
17 expressed interest in pursuing funding for the project through the United States
18 Department of Agriculture - Rural Development.

19
20 In February 2013, the District hired Pureflow Filtration of Whittier, CA to perform a
21 pilot test to help determine the most appropriate treatment process to remove arsenic
22 from the groundwater supply. The pilot study examined the use of downflow pressure
23 filters with proprietary media that were supplied water from the distribution system and
24 a test well. The water was oxidized and ferric chloride was added to aid precipitation
25 and filtration. The results of the pilot study indicated the test well water could be

1 treated successfully with the pilot system, but the water from the distribution system
2 supplied by the source wells could not meet the primary standard for arsenic.

3
4 On January 16, 2014, the Division received a Preliminary Engineering Report (PER)
5 from the District that had been prepared by Stantec Consulting Services, Inc. for the
6 proposed water system improvements to maintain compliance with the primary
7 standard. This report recommended a 0.5-MGD capacity treatment plant be
8 constructed for removal of arsenic. The process would use ferric chloride coagulation
9 and media filtration and be capable of treating water from both wells. This
10 recommended process is one of the arsenic treatment techniques listed as a best
11 available technology in Section 64447.2 of Title 22, CCR; however, the February,
12 2013 pilot study did not support the proposed treatment alternative as being an
13 adequate method for achieving system compliance.

14
15 On May 13, 2014, the Division issued Compliance Order 01-02-14(O)002 to the
16 District for violation of the primary standard for arsenic supplied to its customers from
17 Well 02. The Compliance Order directed the District to: 1) cease and desist failing to
18 provide consumers with water that does not conform to primary drinking water
19 standards by November 1, 2016, 2) by August 1, 2014, submit a plan and schedule
20 for proceeding with an engineered design to bring the system into compliance, 3)
21 provide public notification of failure to comply with primary standards, 4) provide proof
22 of public notification, 5) public notification shall be given each quarter the Running
23 Annual Average (RAA) exceeds the primary standard, 6) analyze quarterly for
24 arsenic, 7) submit a written response with intent to comply by June 13, 2014, 8)
25 submit a quarterly report of progress. The District has substantially complied with all
26 of the Division's directives, except 1 and 2.

1 On March 27, 2015, the Division of Drinking Water issued an amendment to the
2 District's Water Supply Permit that allowed the District to collected samples for
3 arsenic from a compliance point downstream of the water storage tank to better
4 represent the source water delivered to consumers from the two wells.

5
6 On August 25, 2015, a meeting between the District and Division was held to help
7 establish goals for the District to submit a PER that would satisfy DWSRF
8 infrastructure funding requirements because state funds were also being sought. On
9 October 16, 2015, a draft PER was submitted to Division for review in anticipation of
10 requesting funds from the DWSRF program. This draft PER was reviewed and
11 deemed inadequate for supporting the proposed water treatment alternative because
12 of insufficient research and analysis of the potential engineering alternatives for the
13 District to achieve compliance.

14
15 On November 23, 2015, the District requested from the Division an assistance referral
16 to California Rural Water Association (CRWA) to aid in the completion of an SRF
17 Planning Loan application for an arsenic treatment system.

18
19 On January 19, 2016, the Division was notified the District intended to apply for an
20 SRF Planning Loan to investigate the feasibility and alternatives of water treatment or
21 interconnection with a new source. CRWA has reported to the Division that the
22 District has been compiling information and data for the submission of the Planning
23 Loan application. Division staff have also attended District meetings in January and
24 February 2016 to facilitate and clarify the application process.

25
26 On February 19, 2016, the Division issued Compliance Order 01-02-16(R)001 to the
27 District for violation of the primary standard for arsenic supplied to its customers from

1 Well 02. The Compliance Order directed the District to: 1) provide quarterly updates
2 to describe compliance with the following directives, 2) by April 1, 2016, provide proof
3 of application for funding to develop an engineered design to bring the system into
4 compliance, 3) by June 1, 2016, provide an alternatives analysis that describes the
5 most the method the District will use to come into compliance, 4) by September 1,
6 2016, the District shall submit plans and specifications for the chosen alternative that
7 are 50% complete. 5) by November 1, 2016, submit final engineering plans and
8 specifications for the chosen alternative, 6) by November 1, 2017, Cease and Desist
9 from failing to comply with the CHSC Section 116555(a)(1) and (3) by ensuring that
10 the District's water system is provided with a reliable and adequate source of pure,
11 wholesome, healthful, and potable water that is in compliance with all primary drinking
12 water standards, 7) the District shall continue to collect quarterly samples from the
13 Compliance Point, Well 01B (Source 001), and Well 02 (Source 002) for arsenic
14 analyses. 8) public notification shall be given each quarter the Running Annual
15 Average (RAA) exceeds the primary standard.

16
17 On May 16, 2016, the District sent a letter to the Division requesting an extension of
18 the deadline for Compliance Order Directive 3. The District explained recent
19 management changes that have necessitated the District hiring a new engineering
20 consultant, and requested a new deadline for this directive to be August 31, 2016,
21 which would allow the new consultant to complete the alternatives analysis.

22
23 A conference call on June 13, 2016, with representatives from the District and the
24 Divisions of Financial Assistance and Drinking Water, agreed on modifications to the
25 application that would enhance the funding viability. The potential for an intertie
26 transmission pipe with the Graeagle Water Company was dismissed due to the Water
27 Company's lack of interest in finding a suitable water source to augment their supply

to make up for water demand required by the District. The District has yet to substantially comply with all of the Division's directives of Compliance Order 01-02-16(R)001; primarily due to the funding application and design processes.

On August 4, 2016, representatives of the Division met with the District and new consulting engineer to discuss the most effective course of action to attain a complete alternatives analysis and preliminary engineering report. A new compliance schedule was discussed and is reflected by the directives below.

Since the 1st quarter of 2009, the District has continued to complete quarterly arsenic sampling of Well 01B, Well 02, and a blended sampling location with results as follows:

	Well 01B	Well 01B	Well 02	Well 02	New Compliance
	Arsenic	Arsenic	Arsenic	Arsenic	Point (3Q2015)**
Period	Result, ppb	RAA, ppb	Result, ppb	RAA, ppb	RAA, ppb
1Q2009	9.67	10.54	13.33	15.21	-
2Q2009	14.33	10.88	13.67	14.38	-
3Q2009	14.33	11.21	18.67	14.79	-
4Q2009	8.67	11.00	12.67	14.58	-
1Q2010	10.33	11.17	13.33	14.58	-
2Q2010	8.33	10.42	13.33	14.50	-
3Q2010	11.00	9.58	20.00	14.83	-
4Q2010	10.67	10.08	14.00	15.17	-
1Q2011	8.00	9.50	10.67	14.50	-
2Q2011	7.33	9.25	13.67	14.58	-
3Q2011	12.67	9.67	17.33	13.92	-
4Q2011	9.33	9.33	13.67	13.83	-

1		Well 01B	Well 01B	Well 02	Well 02	New Compliance
2		Arsenic	Arsenic	Arsenic	Arsenic	Point (3Q2015)**
3	<u>Period</u>	<u>Result, ppb</u>	<u>RAA, ppb</u>	<u>Result, ppb</u>	<u>RAA, ppb</u>	<u>RAA, ppb</u>
4	1Q2012	7.67	9.25	11.67	14.08	-
5	2Q2012	8.67	9.58	12.00	13.67	-
6	3Q2012	9.00	8.67	14.67	13.00	-
7	4Q2012	7.33	8.17	12.67	12.75	-
8	1Q2013	7.33	8.08	12.33	12.92	-
9	2Q2013	7.67	7.83	14.00	13.42	-
10	3Q2013	11.00	8.33	18.00	14.25	-
11	4Q2013	9.00	8.75	15.00	14.83	-
12	1Q2014	7.50	8.79	7.67	13.67	-
13	2Q2014	9.33	9.21	13.97	13.66	-
14	3Q2014	13.00	9.71	14.67	12.83	-
15	4Q2014	13.67	10.88	14.67	12.74	-
16	1Q2015	7.00	10.75	11.00	13.58	-
17	2Q2015	8.00	10.42	16.00	14.08	-
18	3Q2015	3.00	7.92	12.00	13.42	10.33
19	4Q2015	7.00	6.25	17.00	14.00	12.17
20	1Q2016	9.00	6.50	12.00	13.25	10.90
21	2Q2016	8.00	6.50	10.00	11.75	10.34

**The new compliance point is downstream of the storage tank to provide better data on the water supplied to consumers from both source wells.

As evident from the table above, the District's Well 02 continues to produce water that exceeds the arsenic Maximum Contaminant Level (MCL) of 10 ppb. Also noted from

1 the table above is the fact that Well 01B's RAA for arsenic has also exceeded the
2 primary standard in the past.

3 4 DETERMINATIONS

5 Based on the above Findings of Fact, the Division determines that the District is in
6 violation of the following:

- 7
- 8 1. CHSC, Section 116555 (a)(1): Specifically, the District has failed to
9 provide water that complies with all primary drinking water standards.
10
 - 11 2. CHSC, Section 116555 (a)(3): Specifically, the District has failed to
12 ensure that the system is provided with a reliable and adequate supply
13 of pure, wholesome, healthful and potable water.
14
 - 15 3. CCR, Section 64431(a): Specifically, the District has failed to provide
16 water that complies with the MCL for arsenic.
17

18 DIRECTIVES

19 Pursuant to Section 116655, Article 9, Chapter 4, Part 12, Division 104 of the CHSC,
20 the Division and its Director hereby orders and directs the District:

- 21
- 22 1. By the end of each calendar quarter, the District shall submit a report to the
23 Division on the progress in achieving compliance with the foregoing directives.
24
 - 25 2. By November 1, 2016, the District shall submit to the Division a detailed
26 alternatives analysis for review of the method proposed to achieve compliance with
27 the arsenic drinking water standard.

1
2 3. By April 1, 2017, the District shall submit to the Division complete and final
3 engineering plans and specifications for construction of a project to achieve
4 compliance with the arsenic drinking water standard.
5

6 4. By November 1, 2017, Cease and Desist from failing to comply with the
7 CHSC Section 116555(a)(1) and (3) by ensuring that the District's water system is
8 provided with a reliable and adequate source of pure, wholesome, healthful, and
9 potable water that is in compliance with all primary drinking water standards.
10

11 5. In accordance with Section 64442(g)(3) of Title 22, CCR, the District shall
12 continue to collect quarterly samples from the Compliance Point, Well 01B (Source
13 001), and Well 02 (Source 002) for arsenic analyses. The analytical results shall be
14 reported to the Division no later than the 10th day following the month in which the
15 samples were collected.
16

17 6. Public notification shall be given each calendar quarter that the four-quarter
18 RAA from the Compliance Point for arsenic exceeds the MCL.
19

20 The Division reserves the right to make such modifications to this Compliance Order,
21 as it may deem necessary to protect public health and safety. Such modifications
22 may be issued as amendments to this Compliance Order and shall be effective upon
23 issuance.
24

25 This Compliance Order supersedes and replaces Compliance Order 01-02-16(R)001,
26 issued on February 19, 2016.
27

1 All submittals required by this Compliance Order shall be submitted to the Division at
2 the following address:

3
4
5 Michael J. McNamara, P. E.
6 Lassen District Engineer
7 State Water Resources Control Board
8 Division of Drinking Water
9 364 Knollcrest Drive, Suite 101
10 Redding, CA 96002
11 (530) 224-4800
12

13 As used in the Order, the date of issuance shall be the date of this Order; and the
14 date of service shall be the date of service of this Order, personal or by certified mail,
15 on the District.

16
17 The Division reserves the right to make such modifications to this Order and/or to
18 issue such further order(s) as it may deem necessary to protect public health and
19 safety. Such modifications may be issued as amendments to this Order and shall be
20 deemed effective upon issuance.

21
22 Nothing in this Order relieves the District of its obligation to meet the requirements of
23 the California Safe Drinking Water Act (SDWA), or any regulation, standard, or permit
24 issued thereunder.

25
26 The State of California shall not be liable for any injuries or damages to persons or
27 property resulting from acts or omissions by the District, its employees, agents, or

1 contractors in carrying out activities pursuant to this Order, nor shall the State of
2 California be held as a party to any contract entered into by the District or its agents in
3 carrying out activities pursuant to this Order. By issuance of this Order, the Division
4 does not waive its right to take any further enforcement action(s) against the District.

5 6 **FURTHER ENFORCEMENT ACTION**

7
8 The California SDWA authorizes the Board to: issue a citation with assessment of
9 administrative penalties to a public water system for violation or continued violation of
10 the requirements of the California SDWA or any regulation, permit, standard, citation,
11 or order issued or adopted thereunder including, but not limited to, failure to correct a
12 violation identified in a citation or compliance order. The California SDWA also
13 authorizes the Board to take action to suspend or revoke a permit that has been
14 issued to a public water system if the public water system has violated applicable law
15 or regulations or has failed to comply with an order of the Board; and to petition the
16 superior court to take various enforcement measures against a public water system
17 that has failed to comply with an order of the Board. The Board does not waive its
18 right to take any further or additional enforcement action(s) against the District.

19
20 The District's failure to comply with any directive set forth in the Order by the time
21 prescribed herein may result in further administrative penalties in the amount of
22 \$1,000 per day per violation, pursuant to CHSC, Section 116650, and/or civil
23 penalties in the amount of up to \$25,000 per day per violation pursuant to CHSC,
24 Section 116725.

25 26 **PARTIES BOUND**

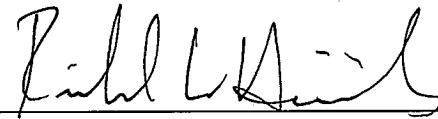
1 This Order shall apply to and be binding upon the Respondents, its officers, directors,
2 employees, agents, contractors, successors, and assignees.

3
4 **SEVERABILITY**

5
6 The requirements of this Order are severable, and the Respondents shall comply with
7 each and every provision thereof, notwithstanding the effectiveness of any of its
8 provisions.

9
10
11 8/23/2016

12 Date

13 

14 Richard L. Hinrichs, P.E., Chief

15 Northern California Section

16 Division of Drinking Water

17 State Water Resources Control Board

18 CERTIFIED MAIL

7012 3460 0003 1112 8281

